



OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8403

COPY MAILED

JUN 30 2009

OFFICE OF PETITIONS

In re Application of
Damijan Miklavcic et al.
Application No. 10/517,038
Filed: August 25, 2005
Attorney Docket No. P/2528-21

ON PETITION

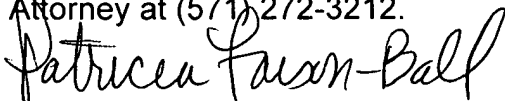
This is a decision on the petition filed June 10, 2009 under 37 CFR 1.137(b),¹ to revive the above-identified application.

The petition is **GRANTED**.

In response to a non-Final Office Action mailed August 20, 2008 an amendment was filed on November 20, 2008. However, in response thereof, a Notice of Non-Compliant Amendment (37 CFR 1.121) was mailed December 1, 2008 which set a one month period for reply. No reply or extensions of time having been requested, this application became abandoned January 2, 2009. Accordingly, a Notice of Abandonment was mailed June 8, 2009.

All other requirements having been met, this matter is being referred to Technology Center 1797 for appropriate action on the amendment filed June 10, 2009.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.


Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). Agrantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).